

INTERNATIONAL SEARCH REPORT

International application No.
PCT/NZ2004/000315

A. CLASSIFICATION OF SUBJECT MATTER																						
Int. Cl. ⁷ : A61M 16/00, 16/06																						
According to International Patent Classification (IPC) or to both national classification and IPC																						
B. FIELDS SEARCHED																						
Minimum documentation searched (classification system followed by classification symbols)																						
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched																						
Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) DWPI: IPC A61M 16/-; A62B; A61L & keywords: (patient, interface, mask, nozzle, cushion, layer, pad, cover, lining, layer, liner, outer, mould, detach, separate, remove, release, replace, void, gap, cell, space, honeycomb, cavity, adjacent, adjoin, neighbour+) and similar terms.																						
C. DOCUMENTS CONSIDERED TO BE RELEVANT																						
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.																				
<input checked="" type="checkbox"/> A	US 2003/0196658 A1 (GING ET AL) 23 October 2003 See Paragraphs [0168] – [0194] and figures 24a – 25i] See Paragraphs [0197] – [0223]	<u>1-7</u> 8-10																				
<input checked="" type="checkbox"/> X	WO 1998/004310 A1 (RESMED LIMITED) 5 February 1998 Whole document	1-7																				
<input checked="" type="checkbox"/> X	EP 1258266 A1 (TIARA MEDICAL SYSTEMS INC) 20 November 2002 Whole document	1-7																				
<input checked="" type="checkbox"/> Further documents are listed in the continuation of Box C		<input checked="" type="checkbox"/> See patent family annex																				
<p>* Special categories of cited documents:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; vertical-align: top;">"A"</td> <td style="width: 20%; vertical-align: top;">document defining the general state of the art which is not considered to be of particular relevance</td> <td style="width: 20%; vertical-align: top;">"T"</td> <td style="width: 40%; vertical-align: top;">later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</td> </tr> <tr> <td>"E"</td> <td>earlier application or patent but published on or after the international filing date</td> <td>"X"</td> <td>document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</td> </tr> <tr> <td>"L"</td> <td>document which may throw doubts on priority claim(s), or which is cited to establish the publication date of another citation or other special reason (as specified)</td> <td>"Y"</td> <td>document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</td> </tr> <tr> <td>"O"</td> <td>document referring to an oral disclosure, use, exhibition or other means</td> <td>"&"</td> <td>document member of the same patent family</td> </tr> <tr> <td>"P"</td> <td>document published prior to the international filing date but later than the priority date claimed</td> <td></td> <td></td> </tr> </table>			"A"	document defining the general state of the art which is not considered to be of particular relevance	"T"	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention	"E"	earlier application or patent but published on or after the international filing date	"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone	"L"	document which may throw doubts on priority claim(s), or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art	"O"	document referring to an oral disclosure, use, exhibition or other means	"&"	document member of the same patent family	"P"	document published prior to the international filing date but later than the priority date claimed		
"A"	document defining the general state of the art which is not considered to be of particular relevance	"T"	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention																			
"E"	earlier application or patent but published on or after the international filing date	"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone																			
"L"	document which may throw doubts on priority claim(s), or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art																			
"O"	document referring to an oral disclosure, use, exhibition or other means	"&"	document member of the same patent family																			
"P"	document published prior to the international filing date but later than the priority date claimed																					
Date of the actual completion of the international search 8 March 2005	Date of mailing of the international search report 14 MAR 2005																					
Name and mailing address of the ISA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized officer KAREN VIOLENTE Telephone No : (02) 6283 7933																					

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C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0427474 A2 (SMITHS INDUSTRIES MEDICAL SYSTEMS INC) 15 May 1991 Whole document	1-7
X	US 5441046 A (STARR ET AL) 15 August 1995 Whole document	1-7
X	WO 2001/097893 A1 (RESMED LTD) 27 December 2001 Whole document	1-7
P,X	WO 2004/007010 A1 (FISHER & PAYKEL HEALTHCARE LIMITED) 22 January 2004 Whole document	1-7
A	US 2001/0020474 A1 (HECKER ET AL) 13 September 2001 Whole document	1-7
A	DE 29923141 U1 (MPV-TRUMA GESELLSCHAFT FUR MEDIZINTECHNISCHE PRODUKTE MBH) 30 March 2000 Whole document	8-10
A	US 2002/018613,A1 (GUNARATNAM et al) 15 August 2002 Whole document	8-10
A	WO 2001/095965 A1 (FISHER & PAYKEL LIMITED) 20 December 2001 Whole document	8-10
A	US 2003/0075180 A1 (RAJE et al) 24 April 2003 Whole document	8-10
A	US 5603317 A (FARMER) 18 February 1997 Whole document	8-16
A	WO 2000/024954 A1 (MINNESOTA MINING AND MANUFACTURING COMPANY) 4 May 2000. Whole document	11-16

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C (Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2003/0150791 A1 (CHO ET AL) 14 August 2003 Whole document	11-16
A	US 5094236 A (TAYEBI) 10 March 1992 Whole document	11-16

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Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:

2. Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:

3. Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a)

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

See attached sheet

1. As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:

4. No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- The additional search fees were accompanied by the applicant's protest.
 No protest accompanied the payment of additional search fees.

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Supplemental Box

(To be used when the space in any of Boxes I to VIII is not sufficient)

Continuation of Box No: III

The international application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked as to form a single general inventive concept. In coming to this conclusion the International Searching Authority has found that there are different inventions as follows:

1. Claims 1-7 are directed to a cushion for a patient interface. It is considered that the cushion cover and the cushion body being of the same elemental material comprise a first "special technical feature".
2. Claims 8-10 are directed to a cushion for a patient interface. It is considered that the cushion body being detachable from the outer sheath and the patient interface comprises a second "special technical feature".
3. Claims 11-14 are directed to a mask. It is considered that the plurality of adjacent voids comprises a third "special technical feature".

Since the above mentioned groups of claims do not share any of the technical features identified, a "technical relationship" between the inventions, as defined in PCT rule 13.2 does not exist. Accordingly the international application does not relate to one invention or to a single inventive concept, a priori.

It is considered that search and examination for the second and the third inventions will require more than a little additional search and examination effort over that for the first invention, and therefore additional search fees are warranted.

INTERNATIONAL SEARCH REPORT

Information on patent family members

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This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report			Patent Family Member				
US	2003196658	AU	2003203830	AU	2003203832	AU	2003203833
		AU	2003203835	AU	2003203836	EP	1356841
		EP	1356842	EP	1356843	EP	1356844
		EP	1360971	JP	2004000570	JP	2004000571
		JP	2004000572	JP	2004000573	JP	2004000574
		US	2003196655	US	2003196656	US	2003196657
		US	2003196662	WO	2003/090827		
WO	1998/004310	AU	12454/97	AU	14892/00	AU	16355/00
		AU	16811/02	AU	26505/00	AU	34293/97
		AU	42476/99	AU	49012/00	AU	52005/00
		AU	52007/00	AU	52691/00	AU	61522/01
		CA	2261790	CA	2298129	CA	2470671
		EP	0956069	EP	1027905	EP	1187647
		EP	1187648	EP	1187649	EP	1187650
		EP	1479406	JP	2000279520	JP	2004041779
		NZ	513052	NZ	526165	NZ	526168
		US	6112746	US	6357441	US	6374826
		US	6412487	US	6428231	US	6439230
		US	6491034	US	6513526	US	6532961
		US	6561710	US	6581602	US	6585441
		US	6634358	US	6691707	US	6701927
		US	6796308	US	2002005198	US	2002005200
		US	2002023649	US	2002023650	US	2002029781
		US	2002074001	US	2002083948	US	2002096176
		US	2002104540	US	2002108613	US	2002153012
		US	2002157672	US	2002174867	US	2002174868
		US	2003034034	US	2004025881	US	2004086319
		US	2004094159	US	2004099272	US	2004134497
		US	2005022818	WO	2000/078381	WO	2000/078382
		WO	2000/078383	WO	2000/078384	WO	2001/034406
		WO	2001/084979				
EP	1258266	BR	0201863	CA	2386686	US	2003019495

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Information on patent family members

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EP	0427474	CA	2019533	EP	0427473	GB	2237746
		GB	2237811				
US	5441046		NONE				
WO	2001/097893	AU	67133/01	EP	1292351	US	6772760
		US	2002029780	US	2003089372	US	2004144386
WO	2004/007010		NONE				
US	2001020474	DE	10002571	EP	1118346		
DE	29923141	AU	45035/99	EP	1087811	WO	9965554
US	2002018613	US	6594058	US	6829399	US	2001028756
		US	2001033708	US	2002003920	WO	0165302
		WO	0165303	WO	0167161	WO	0167162
WO	0195965	AU	15432/02	AU	51876/01	AU	51877/01
		AU	67947/01	BR	0212453	CA	2350351
		CA	2350356	CA	2370995	CA	2407118
		CA	2413938	CA	2457277	EP	1163923
		EP	1163924	EP	1289590	EP	1302212
		EP	1306098	EP	1425060	JP	2002028240
		JP	2002095751	NZ	508219	NZ	514972
		US	6615834	US	6662803	US	6701926
		US	6789541	US	6832610	US	2002005201
		US	2002014241	US	2003000533	US	2003062048
		US	2003066531	US	2003089373	US	2003111080
		US	2003154978	US	2003196659	US	2003217746
		US	2004035428	US	2004065327	US	2004244800
		US	2004244804	US	2004255950	WO	03022341
		WO	03030978				
US	2003075180	EP	1334742	JP	2003175106	US	6823869
		US	2004112384	US	2004112385	US	2004112387
		US	2004118406	WO	2004022144	WO	2004022145
		WO	2004022146	WO	2004022147		
US	5603317						
WO	0024954	AU	29743/99	BR	9914915	CA	2346795
		CN	1342229	EP	1127183	NO	20012037
		NZ	511273	PL	348662	US	6139308
		US	6492286				
US	2003150791	AU	2003207804	CA	2475800	EP	1471991

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Information on patent family members

International application No.

PCT/NZ2004/000315

US	2004154972	WO	03068373
US	5094236	US	4856508

Due to data integration issues this family listing may not include 10 digit Australian applications filed since May 2001.

END OF ANNEX